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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Philip D. Nguyen

Application No.: 10/664,100

Filing Date: September 17, 2003

For:
System and Method for Sensing Data in a Well During Fracturing

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



§
§ Group Art Unit: 3672
§
§
§ Examiner: Neuder, William P.
§
§
§ Confirmation No.: 3701
§

Sir:

Enclosed for filing is an Amendment in Response to Office Action mailed April 15, 2005.

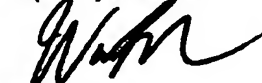
The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT FEE.	OR	RATE	ADDIT FEE
TOTAL	20	minus	20	=	0	x25	\$	OR	x 50	\$0
INDEP	5	minus	3	=	2	x 100	\$	OR	x 200	\$200
[]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$	OR	+ 360	\$
						TOTAL	\$	OR	TOTAL	\$200

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 - ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 - *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [] Please charge Haynes and Boone, LLP Deposit Account No. 08-1394 in the amount of \$_____.
- [X] A check in the amount of \$200.00 is attached.
- [X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Haynes and Boone, LLP Deposit Account No. 08-1394.
- [X] Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
- [] Any patent application processing fees under 37 C.F.R. § 1.17.
- [X] A copy of this sheet is enclosed.

Respectfully submitted,


Warren B. Kice
Registration No. 22,732

Dated: 7/12/05
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214/651-5634
IP Facsimile No. 214/200-0853
File: 30545.85

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450 on July 12, 2005



Signature of person mailing paper


Typed Name of person mailing paper

Here, since seismic surveys are clearly outside the field of well fracturing, the Reimers, et al patent is from a nonanalogous art, thus precluding any *prima facie* case of obviousness using this patent as a reference.

Thus, for this independent reason alone, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

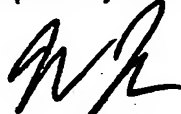
It is clear from all of the above that claim 19 is allowable

New independent claim 28 is a system version of claim 19, and therefore is allowable for the reasons indicated above. Dependent claims 20-27 and 29-35 depend from, and further limit, independent claims 19 and 28 respectively, in a patentable sense and therefore are allowable as well.

In view of all of the above, the allowance of claims 19-35 is respectfully requested.

The examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



Warren B. Kice
Registration No. 22,732

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Dallas, Texas 75202-3789
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Debbie Ludwig
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Debbie Ludwig
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